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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,933	04/26/2001	Masafumi Kurashige	450100-03140	1183

20999 7590 06/21/2004

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EXAMINER	
KOSTAK, VICTOR R	

ART UNIT	PAPER NUMBER
2614	14

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,933	KURASHIGE, MASAFUMI	
	Examiner	Art Unit	
	Victor R. Kostak	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The drawings are objected to because Fig. 1 does not show the delay element recited on page 10 of the specification as element 6 (there are two other different delay elements 2 and 3 shown), and there is no composite luminance/chrominance setting circuit labeled as element 7. That setting circuit is instead labeled as element 6, which supposed to be a delay somewhere. The examiner regrets not pointing this out earlier in prosecution.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-13 are now rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In amended claim 12, applicant now recites "*image conversion means for performing predetermined image conversion in accordance with said various extracted portions of said image signal*" which implies that the conversion is done to the extracted portions. However, as shown in Fig. 1 and as corroborated by the specification, the effects/conversion are applied to the *entire* video signal unless a masking procedure is carried out to isolate portions that are not desired to be converted. This is the opposite of first isolating or extracting a signal portion and converting only the isolated portion.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 7, 8, 9, 12 and 13 are still rejected under 35 U.S.C. 102(b) as being anticipated by Woodham, applicant's amendment having been considered in full and addressed in the context of the rejection of claim 12.

Applicant now recites that the conversion performs predetermined conversion based on extracted portions of the image signal and argues that Woodham does not.

However, Woodham in fact does select (i.e. extract, isolate, choose) portions to which the conversion process will be applied, noting particularly text in col. 2 lines 51-55 and col. 4 lines 43-48 (the latter text cited in the last Office action). Col. 2 lines 51-55 points out that ***selective*** transformation (i.e. decided by the operator using computer 16) can be carried out on ***portions*** of the video signal. Woodham in this text further states that non-spatial transformation can also be applied to ***selected regions*** of the video image. Therefore, the claimed extraction condition setting means for extracting luminance and/or chrominance conditions to be applied to the image signal *to extract various portions thereof* (newly recited language) reads on the operator-controlled computer 16 in association with components 60, 62 and 68, which together extract specific portions to be conditioned according to luminance and/or chrominance settings. The newly-recited image conversion means reads on the subsequent conversion processing carried out by associated elements 70 and 72 of keyer 14. The claimed key signal output reads on key interpolator 74, and downstream keyer 78 performs the mixing applied to the initially determined selected image portion, thereby meeting new claim 12.

The remaining claims have not been amended nor argued separately, so they therefore remain rejected as previously explained in a previous Office action, repeated below to consolidate the issues.

As for claim 3, in initial image conversion is carried out selectively (col. 4 lines 25-26 giving examples) using computer 16, which selection one of ordinary skill in the art can fully consider as being carried out freely and independently by the user (as selective special effects characteristically are determined based on personal preferences).

As for claim 7, Woodham specifies as an example generating a mosaic (noting again col. 4 lines 25-26), which characteristically involves uniform block division).

Regarding claims 8 and 9, luminance and R-Y and B-Y color difference signals are processed (e.g. Fig. 5).

As for claim 13, plural luminance and chrominance extraction (selection) can be applied, noting Fig. 3, for example, which allows for vertical and/or horizontal manipulation of both signal components.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham, for the reasons of record.

As for claims 2 and 4, Woodham can use a window to select image portions to be effect-processed, the remaining image portions not effected (col. 4 lines 38-47). Although he does not specify using a mask, in view of this explicit allowance it would have been obvious to use any suitable means capable of isolating an image area for excluding processing to a selected area, such as by masking or windowing (the latter which Woodham uses). It also would have been to apply this window or mask, as well as the other steps involving effect and extraction selection, in a free and independent manner, again, in order to accommodate the user at his/her liking.

1. Claim 5 is again rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of Hickman or Takemura (both of record), as explained in a previous Office action.

As discussed in the last Office action, both Hickman (col. 3 lines 41-43) and Takemura (col. 1 lines 58-60) teach the benefit of tailoring image signals by using two-dimensional lowpass filtering in a special effects system. In view of their specific descriptions of signal preparation, it would accordingly have been obvious to tailor the image signal of Woodham to prepare it for a special effect by including two-dimensional filtering.

2. Claim 6 is again rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of Thier et al. (also of record), as applied in a previous Office action.

As pointed out previously, Woodham can apply any of various special effects, mentions two and gives allowance for other types in an open-ended statement (col. 4 lines 25-26). In view of this allowance, it would therefore have been obvious to incorporate any applicable effect such as gradient reduction (i.e. posterization, solarization used by Their shown in Fig. 7 as elements 7040 – 7050) to therefore provide a diverse amount of effects.

3. Claim 10 also remains rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of MacDonald (of record), as discussed in a previous Office action.

It would have been obvious to use the 3D color gamut to select with accuracy color imaging for the effects process, to thereby provide particularity in the resultant image, as taught by MacDonald, who in his special effect system (col. 2 lines 17-19) acknowledges color

referencing to the 3D color space gamut used to modify color values (col. 4 lines 40-43). It is noted that Woodham also refers to 3D imaging in col. 5 lines 46-50.

4. Likewise claim 11 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of Nishimura et al. (also of record).

It would also have been obvious to use non-additive mixing as taught by Nishimura ((col. 12 line 54 – col. 13 line 11) for the purpose of isolating specific portions for combining.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK